

# **EXHIBIT 7**

Lee P. Dore

04/13/2005

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS: CENTRAL DIVISION

AMERICAN MANUFACTURERS \*  
MUTUAL INSURANCE COMPANY \*

vs.

\* CASE NO. 03-40266 CBS

TOWN OF NORTH BROOKFIELD \*

D E P O S I T I O N

OF

LEE P. DORE

Taken on behalf of the Plaintiff on Wednesday  
April 13, 2005 at the offices of  
Dore and Whittier, So. Burlington, Vermont.

APPEARANCES:

DEBORAH S. GRIFFIN, ESQ., of the firm Holland &  
Knight, 10 St. James Avenue, 11th Floor, Boston,  
MA 02116, appeared and represented the Plaintiff.

THOMAS W. MCENANEY, ESQ., of the firm Kopelman and  
Paige, P.C., 31 St. James Avenue, Boston, MA  
02116, appeared and represented the Defendant.

MATTHEW M. O'LEARY, ESQ., of the firm Donovan  
Hatem LLP, World Trade Center East, Two Seaport  
Lane, Boston, MA 02210, appeared and represented  
the Deponent.

COURT REPORTER: Virginia L. Simmer, RPR

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1 A. I believe, yes.

2 Q. Did you prepare Exhibit 40 in accordance with  
3 the procedures you described previously with respect  
4 to the preparation of meeting minutes?

5 A. Yes, I did.

6 Q. Would you take a look at the document that's  
7 been marked Exhibit 41, please. Can you identify  
8 Exhibit 41?

9 A. School building committee meeting minutes of  
10 19 March 2003.

11 Q. Did you prepare Exhibit 41?

12 A. Yes, I did.

13 Q. Did you prepare it on or about April 3, 2003?

14 A. Yes, I did.

15 Q. Did you prepare it in accordance with the  
16 procedures you described previously regarding the  
17 preparation of meeting minutes?

18 A. Yes, I did.

19 Q. Did Mr. Conway at that meeting of March 19,  
20 2003 express his view about whether Sciaba was still  
21 two months behind or was further behind or had made  
22 up time?

23 A. I don't recall specifically if he did at that  
24 meeting.

25 Q. Did you form such an opinion at that time?

1 Exhibit 41 beyond what's either written there or  
2 that you've testified to?

3 A. I don't believe so.

4 Q. Was somebody tasked at the end of that meeting  
5 to discuss that issue with North Brookfield's  
6 attorney?

7 MR. MCENANEY: Objection.

8 A. No, I don't believe so, not to my knowledge.

9 Q. Why don't you take a look at the document  
10 that's been marked Exhibit 42, please. Can you  
11 identify Exhibit 42, please?

12 A. These are school building committee meeting  
13 minutes of 2 April 2003.

14 Q. And you didn't attend that meeting, right?

15 A. Correct.

16 Q. Who prepared Exhibit 42?

17 A. They were prepared based on notes from Chris  
18 Conway.

19 Q. Did you prepare the minutes or did Chris  
20 Conway prepare them?

21 A. I believe actually one of our administrative  
22 assistants prepared them and I reviewed them.

23 Q. Did you go over them with Chris Conway before  
24 signing them?

25 A. Yes.

1 Q. Did you consider Exhibit 42 to have been  
2 prepared in accordance with the usual procedures for  
3 preparing meeting minutes?

4 A. Yes, I would.

5 Q. As of the April 2, 2003 meeting did Mr. Conway  
6 have an opinion as to whether Sciaba had made up any  
7 of the two months that it was behind schedule at the  
8 earlier time?

9 A. I don't recall any conversations with him. I  
10 don't see anything here specifically stating that.

11 Q. Had you received any information about  
12 progress on the job that led you to believe that  
13 Sciaba had made up time since Mr. Conway expressed  
14 the view that Sciaba was two months behind?

15 A. That they had made up time?

16 Q. Right.

17 A. No.

18 Q. Paragraph 3 -- strike that. Paragraph 4 on  
19 the second page of Exhibit 42 reflects a request by  
20 the school building committee to investigate a  
21 projected completion date based on manpower history  
22 to date as well as payment requisitions and says the  
23 committee's concerned that potential liquidated  
24 damage costs will be very high and question if the  
25 contractor's retainage alone could cover these

1 page that looks to me like it says formal LD request  
2 Ed come to next meeting, building committee meeting  
3 April 30th. Can you help us understand that note at  
4 all?

5 A. Not sure what it means.

6 Q. After the job meeting on April 2nd did anyone  
7 ask you to ask Ed Sciaba to attend the next building  
8 committee meeting?

9 A. I don't recall. I know there were a few  
10 instances over the course of the project where the  
11 building committee did ask to invite Ed Sciaba but I  
12 don't remember specifically the timeframes of  
13 those. The Ed they're referring to here could also  
14 be Ed O'Malley who was the principal. He was  
15 usually in attendance at job meetings.

16 Q. Could you take a look at the document that's  
17 been marked Exhibit 44, please. Can you identify  
18 Exhibit 44, please?

19 A. It's a memo from myself to E.J. Sciaba's  
20 project manager Scott Finneran.

21 Q. Are the four bullet points at the bottom of  
22 Exhibit 44 the list of critical path items that it  
23 was indicated in Exhibit 42 that Dore and Whittier  
24 would issue in paragraph 3 of Exhibit 42?

25 A. And the items you're referring are items 1, 2,

1 and do is identify items that Sciaba needs quickly  
2 because all the items usually come in fairly close  
3 together and there are some items that are hot, what  
4 we call hot items that need to get completed first  
5 in order to sequence the job correctly or there may  
6 be a certain sequence of work coming up during the  
7 construction progress that requires us to approve a  
8 submittal. And so these four were items that were  
9 very important to the sequencing of work at that  
10 point and we had not received shops or approved  
11 shops for these items.

12 Q. How did you know they were hot items?

13 A. Mostly because they were required for the  
14 sequence of work that was coming up. So we would  
15 review it at a job meeting with Sciaba and it would  
16 be a discussion that we would have.

17 Q. I'll hand you now what's been marked as  
18 Exhibit 45. Can you identify Exhibit 45, please?

19 A. School building committee meeting minutes from  
20 16 April 2003.

21 Q. Did you prepare Exhibit 45?

22 A. Yes, I did.

23 Q. Did you prepare these minutes on April 21,  
24 2003?

25 A. Yes, I did.

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1 Q. Did you prepare Exhibit 45 in accordance with  
2 the procedures you described earlier regarding the  
3 preparation of meeting minutes?

4 A. Yes, I did.

5 Q. In paragraph 2 the minutes say at the end of  
6 the sentence, Progress has been slow over the past  
7 two weeks, correct?

8 A. Yes, it does.

9 Q. And was that an accurate statement?

10 A. I believe so. I don't recall exactly what was  
11 going on at the site at that time.

12 Q. What analysis did Dore and Whittier do, if  
13 any, to come to the conclusion that progress had  
14 been slow over the two weeks preceding April 16th?

15 A. That would have been based on Chris Conway's  
16 observations of activity on the site over the past  
17 two weeks in question.

18 Q. Was it also based on his judgment about what  
19 the progress should have been?

20 A. I don't know if that entered into that  
21 context. I know that he observed the site over that  
22 time duration and it didn't appear to him that there  
23 was a lot of activity going on.

24 Q. You don't know if he based his opinion on more  
25 than just a general impression?



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1 A. I don't know.

2 Q. Paragraph 5 of Exhibit 45 refers to a  
3 projected completion graph based on requisitions,  
4 right?

5 A. Yes.

6 Q. I'm going to hand you the document that's been  
7 marked Exhibit 46 and ask if that's the graph that  
8 was referenced in paragraph 5 of Exhibit 45?

9 A. I believe so, yes.

10 Q. Who prepared Exhibit 46?

11 A. I did.

12 Q. Would you describe what you've depicted in  
13 Exhibit 46 please and where you got the information?

14 A. Sure. The top line on the graph there  
15 represents what we have projected the cash flow to  
16 be for the job for E.J. Sciaba. The bottom line  
17 illustrates what the actual billings were on a  
18 monthly basis. Up to that point kind of midway  
19 through there it's hard to read. It says something  
20 like April 2003 with the two hash marks on each end  
21 is a projection based on an averaged requisition  
22 that they had been forwarding to date which I  
23 believe is at the very bottom of the page, actual  
24 average billing per month of 392,000.

25 Q. And what conclusion did you draw after

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1 compiling the projected drawdown part of the graph  
2 and the actual part of the graph?

3 A. Based on this modeling it appeared that the  
4 construction was going to be about 14 months beyond  
5 substantial completion if they followed a consistent  
6 path of the average billing rate.

7 Q. When we were looking at Exhibit 42 paragraph 4  
8 we were talking about the building committee's  
9 request that D and W investigate a projected  
10 completion date based on manpower history as well as  
11 payment requisitions, right?

12 A. Yes.

13 Q. Was Exhibit 46 intended to be your  
14 investigation of a projected completion date based  
15 on payment requisitions?

16 A. Yes.

17 Q. Did you do any other analysis based on  
18 manpower history to come up with a projected  
19 completion date?

20 A. No, it was based on -- this is -- the analysis  
21 that I did was based on requisitions as far as I can  
22 remember. I don't recall exactly if Chris Conway  
23 had prepared any manpower scheduling based on his  
24 daily reports or not. I think we had a conversation  
25 about it but I don't know if it was actually

1 completed.

2 Q. All right. Going back to Exhibit 45, we were  
3 looking at paragraph 5, the third sentence of which  
4 says the projection indicates a completion date of  
5 January 2005, more than one year late. That's --  
6 that was -- that corresponded to the 14 months that  
7 you referenced in one of your earlier answers?

8 A. Yes.

9 Q. And then the next sentence says, Substantial  
10 completion with all approved extensions of contract  
11 is December 15, 2003, right?

12 A. Yes.

13 Q. And that was the date from changeorder 3?

14 A. Yes, the date of the second substantial  
15 completion date for all of the building.

16 Q. The last full sentence on page 1 of Exhibit 45  
17 says, DW and the committee are very concerned that  
18 this schedule will not be completed anywhere near  
19 the contract timeframe. Can you recall anything  
20 more of the discussion beyond what's reported there?

21 A. I think it was just a general discussion from  
22 the committee that they were concerned based on some  
23 of this information and recent lack of progress on  
24 the project that it didn't appear that they were  
25 going to be hitting the schedule.

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1 Q. Who voiced the concerns referenced in that  
2 sentence?

3 A. I don't know specifically.

4 Q. Did anyone at the meeting voice the view that  
5 it was still possible for the contract to be  
6 completed on time?

7 A. I don't recall any specific conversations  
8 about that, no.

9 Q. Did you think as of April 16, 2003 that it was  
10 possible for the contract to be completed on time?

11 A. I don't think I formed an opinion on that. If  
12 I had been listening to the contractor then I would  
13 agree with that statement that they would be able to  
14 complete because they had consistently told us they  
15 were still going to be able to complete within the  
16 contract period.

17 Q. But you didn't believe it?

18 A. I guess my opinion at that point would be  
19 skeptical.

20 Q. The next sentence in Exhibit 45, the one that  
21 starts at the bottom of the first page and carries  
22 over to page 2 says, The committee noted that  
23 additional costs will be incurred to pay the  
24 architect and construction manager beyond the  
25 scheduled completion dates. These funds will need

1 to be made up by liquidated damages of a thousand  
2 dollars per day for each and every day the project  
3 is beyond substantial completion. Liquidated  
4 damages are estimated at over 400,000 based on the  
5 projected completion date. Who said that at the  
6 meeting?

7 A. I don't recall specifically. I think someone  
8 was probably playing on their calculator at the  
9 meeting and brought up that comment.

10 Q. It was someone on the school building  
11 committee rather than someone from Dore and Whittier  
12 who made that statement?

13 A. I don't specifically recall who said the  
14 statement.

15 Q. Did anyone disagree with it? Did anyone voice  
16 disagreement with it at the meeting I should say?

17 A. Not that I recall.

18 Q. Do you recall how much was held in retainage  
19 as of April 16, 2003?

20 A. Not off the top of my head, no.

21 Q. If we look at the last requisition prior to  
22 that time that will tell us?

23 A. Yes.

24 Q. We'll get there. Was there any discussion at  
25 the April 16 school building committee meeting about

1 the possibility of withholding liquidated damages  
2 from any future payments over and above retainage?

3 A. No, not that I remember.

4 Q. In paragraph 6 there's a discussion of issues  
5 relating to various subcontractors who hadn't been  
6 paid, is that -- was that your report?

7 A. Yes, just on -- as it says there, various  
8 subcontractors were having varying levels of  
9 frustration with lack of payment, some had even  
10 filed for direct payment claims.

11 Q. Did any of the subcontractors referenced in  
12 paragraph 6 speak to you?

13 A. I believe I had heard from Greenwood Roofing  
14 and possibly Millis Plumbing.

15 Q. Did the others speak to Chris Conway?

16 A. I believe so.

17 Q. In paragraph 8 of Exhibit 45 it says the  
18 committee discussed available options to them  
19 regarding lack of performance by the contractor.  
20 What discussion do you recall on that topic at the  
21 April 16 school building committee meeting?

22 A. I don't recall any specific options. I think  
23 it was just noted here that it was just general  
24 discussions. I don't recall any specifics of what  
25 options they were throwing out there.

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1 Q. Which committee members spoke up on that  
2 topic?

3 A. I don't recall.

4 Q. The next sentence of paragraph 8 says a motion  
5 was made to have town counsel review the job status  
6 and provide recommendations on how to proceed and  
7 the motion was approved unanimously. Did anyone  
8 from Dore and Whittier talk to the town's attorney  
9 to review job status and provide recommendations on  
10 how to proceed?

11 MR. MCENANEY: Objection.

12 A. I don't recall. We may have.

13 Q. Did you ever learn if somebody from the school  
14 building committee contacted town counsel about  
15 that?

16 MR. MCENANEY: Objection.

17 A. I think I had heard they had been in touch  
18 with town counsel.

19 Q. Did you hear the results of that discussion?

20 MR. MCENANEY: Objection. I'm going to  
21 instruct Lee not to answer that question.  
22 It's inquiring into attorney-client  
23 privilege.

24 MS. GRIFFIN: Are you taking the  
25 position that Mr. Dore was part of the

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1 Q. Mr. Dore, do you recall approximately when  
2 that amendment was signed?

3 A. I really can't recall the date.

4 Q. Okay. Can you identify Exhibit 68?

5 A. This is application for payment No. 11 from  
6 E.J. Sciaba to the Town of North Brookfield.

7 Q. And the signatures on the right-hand side of  
8 the first page of Exhibit 68 are first Scott  
9 Finneran on behalf of Sciaba, right?

10 A. Yes.

11 Q. And then a notary for his signature?

12 A. Yes.

13 Q. And there's no signature on the -- oh, yeah,  
14 and the signature at the bottom is Mr. Russell's  
15 signature as the architect on the project?

16 A. Yes.

17 Q. And whose handwriting is on the left-hand side  
18 of the page where some numbers were changed?

19 A. Harald Aksdal's initials.

20 Q. Would you describe just generally and briefly  
21 what the steps were in the submission review,  
22 approval and signature of requisitions on the North  
23 Brookfield project?

24 A. Yes. Pencil requisition would be submitted at  
25 the job site from Sciaba to Chris Conway and either



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1 myself or Harald depending who was down there  
2 reviewed with them at the site and it would be  
3 marked up on stuff that we disagreed with and then  
4 Sciaba would send to Vermont, this office, a formal  
5 copy which we would then when we would get it,  
6 either myself or Harald would review it with Chris  
7 Conway and compare it to the pencil requisition to  
8 make sure that the changes were made, and if they  
9 weren't made then we would make them. And then we  
10 would pass it to Al Russell or in some instances  
11 Richard Ziemba would then sign which they would then  
12 question us as to and review the pencil requisition  
13 and the final requisition before certifying it.

14 Q. The pencil requisition was literally in  
15 pencil?

16 A. No, it's a term just as a draft copy and it  
17 would be basically this not formalized, notarized or  
18 signed.

19 Q. But it would still be typed, right?

20 A. Yes.

21 Q. And was the -- the handwritten changes on the  
22 first page of Exhibit 68, do you know were those  
23 changes made because changes that were supposed to  
24 have been made from the pencil requisition to the  
25 formal submission had not been made or were there

1 other reasons for those changes?

2 A. I'm not specifically sure why these were made  
3 for this specific application. In some instances as  
4 you described and in other instances it's because of  
5 the lag time between when we review the pencil copy  
6 versus the formal. Some submittals were supposed to  
7 be included, updated project schedules, project  
8 photographs and if those didn't come with the final  
9 requisition and they were billing for them, then we  
10 would also have to mark these down.

11 Q. The through date for the period covered by  
12 requisition 11 was February 28, 2003, right?

13 A. Correct.

14 Q. And typically when in relation to that through  
15 date did you have the meeting to go over the pencil  
16 requisition?

17 A. Usually it would be by the 25th of the month.

18 Q. So February 25th for the requisition that was  
19 about to cover -- that was going to cover the period  
20 about to end?

21 A. Right.

22 Q. In conducting your review of the requisition  
23 after it was submitted formally and signed by Sciaba  
24 did you make use of any additional information about  
25 events that happened between the time you reviewed

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1 the pencil requisition and the time the formal  
2 requisition came in?

3 A. Yes, if at the pencil requisition we would  
4 question material deliveries, for instance, if they  
5 weren't there yet and Sciaba would inform us that  
6 they would be coming prior to the submission of the  
7 formal, we would check to verify that, indeed, they  
8 did come or if they were stored off-site did we have  
9 the paperwork, insurance certificates, et cetera  
10 that they had actually come in.

11 Q. And you would check with Chris Conway about  
12 that?

13 A. Yes.

14 MS. GRIFFIN: Mark this next bundle as  
15 69.

16 BY MR. GRIFFIN

17 Q. Can you identify Exhibit 69, please?

18 A. This is a memo from Harald Aksdal to Robert  
19 O'Neill regarding application for payment No. 11.

20 Q. Are the pages behind it additional materials  
21 that Sciaba submitted in support of requisition 11?

22 A. I don't recall specifically if they were in  
23 support of application No. 11.

24 Q. At the bottom of some of the pages there's a  
25 fax header March 7, '03 Sciaba, can you tell whether

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1 that records a fax transmission to either you or  
2 Chris Conway?

3 A. It could be to one of us.

4 Q. Could you see if you can identify Exhibit 70,  
5 please?

6 A. Yes, I can. It's application for payment No.  
7 12.

8 Q. And it's got the same signatures on the  
9 right-hand side that we referred to before, Scott  
10 Finneran and Mr. Russell?

11 A. Yes, it does.

12 Q. At the bottom right-hand corner it says,  
13 Recommend providing separate checks to Millis and  
14 Greenwood, see attached memo. Is the memo that's  
15 referred to there the one that is the third page on  
16 Exhibit 70?

17 A. Bates No. 25494, yes.

18 Q. Did you have a role in formulating that  
19 recommendation and particularly the dollar amounts  
20 stated for payments to Millis Plumbing and Greenwood  
21 Industries on page 25494?

22 A. I don't recall specifically. I do recall  
23 conversations regarding direct payment requests.

24 Q. Who did you have the conversations with?

25 A. Harald and Chris Conway.

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1 Dore and Whittier had the check and was ready to  
2 deliver it?

3 A. I don't recall that being stated specifically.

4 Q. Do you know whether the check was delivered  
5 after the meeting broke up?

6 A. I believe it was.

7 Q. And nobody from Kemper Surety was there when  
8 the check was delivered, were they?

9 A. I wasn't there either when that happened so I  
10 couldn't tell you who was there.

11 Q. Take a look at Exhibit 72. Can you identify  
12 Exhibit 72, please?

13 A. This is application for payment 13B.

14 Q. And it was signed by someone on behalf of  
15 Sciaba, right?

16 A. Yes.

17 Q. And Mr. Russell signed on behalf of the  
18 architect, correct?

19 A. Yes.

20 Q. Let me show you what's been marked as Exhibit  
21 73. Can you identify Exhibit 73 as another copy of  
22 the face page of application 13B?

23 A. Yes.

24 Q. And on this copy there's a note at the top of  
25 the page, EJS REC. payment check for this month on

## **EXHIBIT 8**

## APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702

PAGE ONE OF PAGES

TO OWNER: TOWN OF N. BROOKFIELD  
10 New School Drive  
North Brookfield, MA 01535

PROJECT: NORTH BROOKFIELD JR./SR. HI APPLICATION NO: 00012

Distribution to:

PERIOD TO: 3/28/2003

☐ OWNER

PROJECT NOS.: 238

☒ ARCHITECT☐ CONTRACTOR

FROM CONTRACTOR: E. J. SCIABA CONTRACTING CO. IN VIA ARCHITECT: DORE AND WHITTIER, INC.

18 Wolcott Street

1795 Williston Road

Readville, MA 02137

S. Burlington, VT 05403

CONTRACT DATE

CONTRACT FOR:

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the contract.  
Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM ..... \$13,222,000.00
2. Net change by Change Orders ..... ~~\$132,829.28~~ ~~\$136,179.07~~
3. CONTRACT SUM TO DATE (Line 1 ± 2) ..... ~~\$13,354,829.28~~ ~~\$13,358,179.07~~
4. TOTAL COMPLETED & STORED TO DATE ..... ~~\$4,960,248.78~~ ~~\$4,966,598.57~~  
(Column G on G703)
5. RETAINAGE:
- a. 5.000 % of Completed Work ..... \$0.00  
(Columns D + E on G703)
- b. 5.000 % of Stored Material ..... \$0.00  
(Columns F on G703)
- Total Retainage (Line 5a + 5b or  
Total in Columns I on G703) ..... ~~\$248,013.43~~ ~~\$248,329.94~~
6. TOTAL EARNED LESS RETAINAGE ..... ~~\$4,718,268.69~~ ~~\$4,712,235.34~~  
(Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT ..... \$4,424,679.06  
(Line 6 from prior Certificate)
8. CURRENT PAYMENT DUE ..... ~~\$287,556.28~~ ~~\$293,589.57~~
9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$6,639,910.44  
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$150,973.38	\$20,000.00
Total approved this Month	\$5,205.69	<del>\$3349.79</del> <del>\$0.00</del>
TOTALS	\$156,179.07	<del>\$23,349.79</del> <del>\$20,000.00</del>
NET CHANGES by Change Order	<del>\$132,829.28</del>	<del>\$136,179.07</del>

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this application has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that the amount shown herein is now due.

CONTRACTOR: E. J. SCIABA CONTRACTING

By: [Signature] Date: 4/1/2003

State of: MA  
County of: Suffolk  
Subscribed and sworn to before

me this day of

DAVID E. RUSSO

Notary Public

Notary Public: David P. Russo My Commission Expires January 15, 2004My Commission expires: 1-15-04

## ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... ~~\$287,556.28~~ ~~\$293,589.57~~

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Dore &amp; Whittier, Inc.

By: [Signature] Date: 4/1/2003

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



AIA DOCUMENT G702 • APPLICATION AND CERTIFICATE FOR PAYMENT • 1992 EDITION • AIA® • ©1992 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK

G702-1992

AVENUE, N.W. WASHINGTON, D.C. 20006-5292

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RECOMMEND PROVIDING SEPERATE CHECKS TO MILLIS &amp; GREENWOOD. SEE ATTACHED MEMO

NBDW25492

## CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 1 OF 17 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT,

containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 00012

APPLICATION DATE:

PERIOD TO: 3/28/2003

ARCHITECT'S PROJECT NO.: 238

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	%(G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
00005	Mobilization & Internal Office Setup	\$123,722.00	\$123,722.00	\$0.00	\$0.00	\$123,722.00	100.000	\$0.00	\$6,186.10
00010	General Contractor Bond	\$247,444.00	\$247,444.00	\$0.00	\$0.00	\$247,444.00	100.000	\$0.00	\$12,372.20
00015	Subcontractor Bonds	\$118,000.00	\$118,000.00	\$0.00	\$0.00	\$118,000.00	100.000	\$0.00	\$5,900.00
00020	GLPD Insurance	\$26,000.00	\$26,000.00	\$0.00	\$0.00	\$26,000.00	100.000	\$0.00	\$1,300.00
00025	Builders Risk	\$32,000.00	\$32,000.00	\$0.00	\$0.00	\$32,000.00	100.000	\$0.00	\$1,600.00
00030	Baseline CPM Schedule	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$10,000.00	100.000	\$0.00	\$500.00
00035	Schedule of Values	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	100.000	\$0.00	\$250.00
00040	Construction Sign	\$3,500.00	\$3,500.00	\$0.00	\$0.00	\$3,500.00	100.000	\$0.00	\$175.00
00045	Construction Fence	\$24,000.00	\$24,000.00	\$0.00	\$0.00	\$24,000.00	100.000	\$0.00	\$1,200.00
00050	SUBTOTAL	\$589,666.00	\$589,666.00	\$0.00	\$0.00	\$589,666.00	100.000	\$0.00	\$29,483.30
00100	GENERAL CONDITIONS								
00105	Project Staffing	\$452,853.00	\$273,388.21	\$25,158.00	\$0.00	\$298,546.21	65.926	\$154,306.79	\$14,927.31
00110	Field Offices	\$25,000.00	\$15,290.00	\$1,390.00	\$0.00	\$16,680.00	66.720	\$8,320.00	\$834.00
00115	Temporary Telephones	\$10,000.00	\$5,550.00	\$555.00	\$0.00	\$6,105.00	61.050	\$3,895.00	\$305.25
00120	Temporary Toilets	\$5,000.00	\$3,080.00	\$280.00	\$0.00	\$3,360.00	67.200	\$1,640.00	\$168.00
00125	Electrical Consumption	\$16,000.00	\$8,880.00	\$280.00	\$0.00	\$9,160.00	57.250	\$6,840.00	\$458.00
00130	Storage Trailors	\$3,500.00	\$1,950.00	\$888.00	\$0.00	\$2,838.00	81.086	\$662.00	\$141.90
00135	Tarps, Blankets & Temp. Enclosure	\$5,000.00	\$4,000.00	\$0.00	\$0.00	\$4,000.00	80.000	\$1,000.00	\$200.00
00140	Interim Cleaning	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$8,000.00	\$0.00
00145	Project Photos	\$3,000.00	\$1,660.00	\$166.00	\$0.00	\$1,826.00	60.867	\$1,174.00	\$91.30
00150	CPM Schedule Updates	\$16,000.00	\$5,000.00	\$4,000.00	\$0.00	\$9,000.00	56.250	\$7,000.00	\$450.00
00155	Registered Survey	\$15,000.00	\$14,000.00	\$0.00	\$0.00	\$14,000.00	93.333	\$1,000.00	\$700.00
00160	Layout Stakes & Supplies	\$10,000.00	\$8,500.00	\$0.00	\$0.00	\$8,500.00	85.000	\$1,500.00	\$425.00
00165	G.C. As-Builts & Closeout Documents	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$5,000.00	\$0.00
00170	Temporary Water	\$4,000.00	\$3,108.00	\$222.00	\$0.00	\$3,330.00	83.250	\$670.00	\$166.50
00175	Dumpsters	\$18,000.00	\$7,800.00	\$1,500.00	\$0.00	\$9,300.00	51.667	\$8,700.00	\$465.00
00180	Final Cleaning	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$10,000.00	\$0.00
00185	Building Permit	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$3,000.00	\$0.00
00299	SUBTOTAL	\$609,353.00	\$352,206.21	\$34,439.00	\$0.00	\$386,645.21	63.452	\$222,707.79	\$19,332.26
02060.00	BUILDING DEMOLITION								
02060.05	Demo Existing School	\$67,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$67,500.00	\$0.00
02060.98	SUBTOTAL	\$67,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$67,500.00	\$0.00

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Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 00012

APPLICATION DATE:

PERIOD TO: 3/28/2003

ARCHITECT'S PROJECT NO.: 238

A	B	C	D E		F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	%(G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
05300.98	SUBTOTAL	\$101,100.00	\$87,400.00	\$4,250.00	\$0.00	\$91,650.00	90.653	\$9,450.00	\$4,582.50
05410.00	STUD SHEAR CONNECTORS								
05410.05	Stud Shear Connectors	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$18,000.00	\$0.00
05410.98	SUBTOTAL	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$18,000.00	\$0.00
05500.00	FSB - MISCELLANEOUS METALS								
05500.05	Miscellaneous Metals	\$239,000.00	\$17,385.00	\$11,544.00	\$0.00	\$28,929.00	12.104	\$210,071.00	\$1,446.45
05500.98	SUBTOTAL	\$239,000.00	\$17,385.00	\$11,544.00	\$0.00	\$28,929.00	12.104	\$210,071.00	\$1,446.45
06100.00	ROUGH CARPENTRY								
06100.05	Roof Blocking Material	\$18,000.00	\$5,940.00	\$0.00	\$0.00	\$5,940.00	33.000	\$12,060.00	\$297.00
06100.10	Roof Blocking Labor	\$6,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00	16.667	\$5,000.00	\$50.00
06100.98	SUBTOTAL	\$24,000.00	\$6,940.00	\$0.00	\$0.00	\$6,940.00	28.917	\$17,060.00	\$347.00
06200.00	FINISH CARPENTRY AND ARCHITECTURA								
06200.05	Furnish Woodwork	\$33,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$33,000.00	\$0.00
06200.10	Install Woodwork	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$8,000.00	\$0.00
06200.15	Install Doors & Hardware	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$18,000.00	\$0.00
06200.98	SUBTOTAL	\$59,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$59,000.00	\$0.00
07100.00	FSB - WATERPROOFING/DAMPROOFING								
07100.05	WATERPROOFING/DAMPROOFING	\$60,000.00	\$39,000.00	\$0.00	\$0.00	\$39,000.00	65.000	\$21,000.00	\$1,950.00
07100.98	SUBTOTAL	\$60,000.00	\$39,000.00	\$0.00	\$0.00	\$39,000.00	65.000	\$21,000.00	\$1,950.00
07200.00	BUILDING INSULATION								
07200.05	BUILDING INSULATION	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$10,000.00	\$0.00
07200.98	SUBTOTAL	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$10,000.00	\$0.00
07400.00	METAL SIDING AND SOFFITS								
07400.05	METAL SIDING AND SOFFITS	\$64,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$64,500.00	\$0.00
07400.98	SUBTOTAL	\$64,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$64,500.00	\$0.00
07500.00	FSB - ROOFING, FLASHING AND SHEET M								

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PAGE 8 OF 17 PAGES

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In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 00012

APPLICATION DATE:

PERIOD TO: 3/28/2003

ARCHITECT'S PROJECT NO.: 238

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	%(G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
07500.05	ROOFING, FLASHING AND SHEET METAL	\$923,721.00	\$48,000.00	\$111,579.50	\$0.00	\$159,579.50	17.276	\$764,141.50	\$7,978.98
07500.98	SUBTOTAL	\$923,721.00	\$48,000.00	<del>\$111,579.50</del>	\$0.00	<del>\$159,579.50</del>	<del>17.276</del>	<del>\$764,141.50</del>	<del>\$7,978.98</del>
07900.00	FSB - JOINT SEALANTS								
07900.05	JOINT SEALANTS	\$39,200.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$39,200.00	\$0.00
07900.98	SUBTOTAL	\$39,200.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$39,200.00	\$0.00
08100.00	METAL DOORS AND FRAMES								
08100.05	METAL DOORS AND FRAMES	\$25,000.00	\$17,500.00	\$0.00	\$0.00	\$17,500.00	70.000	\$7,500.00	\$875.00
08100.98	SUBTOTAL	\$25,000.00	\$17,500.00	\$0.00	\$0.00	\$17,500.00	70.000	\$7,500.00	\$875.00
08200.00	WOOD DOORS								
08200.05	WOOD DOORS	\$19,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$19,000.00	\$0.00
08200.98	SUBTOTAL	\$19,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$19,000.00	\$0.00
08300.00	SPECIAL DOORS								
08300.05	SPECIAL DOORS	\$2,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$2,900.00	\$0.00
08300.98	SUBTOTAL	\$2,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$2,900.00	\$0.00
08331.00	COILING DOORS								
08331.05	COILING DOORS	\$3,800.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$3,800.00	\$0.00
08331.98	SUBTOTAL	\$3,800.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$3,800.00	\$0.00
08400.00	FSB - ALUMINUM ENTRANCES, DOORS, AND								
08400.05	ALUMINUM ENTRANCES, DOORS, AND WI	\$298,200.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$298,200.00	\$0.00
08400.98	SUBTOTAL	\$298,200.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$298,200.00	\$0.00
08710.00	FINISH HARDWARE								
08710.05	FINISH HARDWARE	\$39,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$39,000.00	\$0.00
08710.98	SUBTOTAL	\$39,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$39,000.00	\$0.00
08800.00	FSB - GLASS AND GLAZING								
08800.05	GLASS AND GLAZING	\$19,496.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$19,496.00	\$0.00
08800.98	SUBTOTAL	\$19,496.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$19,496.00	\$0.00

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APPLICATION DATE:

PERIOD TO: 3/28/2003

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			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
15400.160	KITCHEN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	\$0.00
15400.161	UNDERGROUND WASTE	\$4,500.00	\$4,500.00	\$0.00	\$0.00	\$4,500.00	100.000	\$0.00	\$225.00
15400.162	LABOR-UNDERGROUND WASTE	\$4,500.00	\$1,575.00	\$0.00	\$0.00	\$1,575.00	35.000	\$2,925.00	\$78.75
15400.163	ABOVEGROUND WASTE AND VENT.	\$4,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$4,500.00	\$0.00
15400.164	LABOR- ABOVEGROUND WASTE AND VEN	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$5,000.00	\$0.00
15400.165	WATER PIPING	\$4,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$4,500.00	\$0.00
15400.166	LABOR- WATER PIPING	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$5,000.00	\$0.00
15400.167	GAS PIPING	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$2,500.00	\$0.00
15400.168	LABOR- GAS PIPING	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$2,500.00	\$0.00
15400.169	FIXTURES	\$4,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$4,500.00	\$0.00
15400.170	LABOR- FIXTURES	\$4,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$4,500.00	\$0.00
15400.171	INSULATION	\$3,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$3,500.00	\$0.00
15400.172	DRAINS AND CARRIERS	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$5,000.00	\$0.00
15400.173	LABOR- DRAINS AND CARRIERS	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$3,000.00	\$0.00
15400.174		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	\$0.00
15400.180	MISCELLANEOUS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	\$0.00
15400.181	COORDINATION DRAWINGS	\$7,900.00	\$6,715.00	\$0.00	\$0.00	\$6,715.00	85.000	\$1,185.00	\$335.75
15400.182	PERMITS/MOBILIZATION	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	100.000	\$0.00	\$250.00
15400.183	ASBUILTS/O & M	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$2,500.00	\$0.00
15400.900	SUBTOTAL	\$631,000.00	\$62,078.10	20,168.45	\$0.00	82,246.55	13.034	548,753.45	4,112.33
					#5 ARE O.K.				
15500.000	FSB - HVAC								
15500.184	HVAC	\$1,579,000.00	\$47,620.00	\$0.00	\$0.00	\$47,620.00	3.016	\$1,531,380.00	\$2,381.00
15500.199	SUBTOTAL	\$1,579,000.00	\$47,620.00	\$0.00	\$0.00	\$47,620.00	3.016	\$1,531,380.00	\$2,381.00
16000.00	FSB - ELECTRICAL								
16000.05	ELECTRICAL	\$920,640.00	\$246,675.00	\$10,875.00	\$0.00	\$257,550.00	27.975	\$663,090.00	\$12,877.50
16000.98	SUBTOTAL	\$920,640.00	\$246,675.00	\$10,875.00	\$0.00	\$257,550.00	27.975	\$663,090.00	\$12,877.50
16740.00	FSB - COMMUNICATION CABLING AND TE								
16740.05	COMMUNICATION CABLING AND TECHNO	\$164,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$164,900.00	\$0.00
16740.98	SUBTOTAL	\$164,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$164,900.00	\$0.00
18000.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	\$0.00
18000.01	CHANGE ORDERS								

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APPLICATION DATE:

PERIOD TO: 3/28/2003

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			D FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			% (G ÷ C)		
18000.02	CO#001 (Credit-permit, computer)	(\$20,000.00)	(\$20,000.00)	\$0.00	\$0.00	(\$20,000.00)	100.000	\$0.00	(\$1,000.00)
18000.03	CO#003 (Unsuitable soil)	\$132,804.25	\$132,804.25	\$0.00	\$0.00	\$132,804.25	100.000	\$0.00	\$6,640.21
18000.04	CO#002 (COP#1-#4)	\$18,169.13	\$8,214.35	\$0.00	\$0.00	\$8,214.35	45.210	\$9,954.78	\$410.72
18000.05	CCD#6	\$5,205.69	\$0.00	\$5,205.69	\$0.00	\$5,205.69	100.000	\$0.00	\$260.29
18000.06		<del>(\$0.00)</del>	<del>\$0.00</del>	<del>\$0.00</del>	<del>\$0.00</del>	<del>\$0.00</del>	0	<del>\$0.00</del>	<del>\$0.00</del>
	<b>CCD #5</b>	<del>(3349.79)</del>	<del>\$43,358,179.87</del>	<del>(3349.79)</del>	<del>\$0.00</del>	<del>(3349.79)</del>		<del>\$0.00</del>	<del>(167.49)</del>
			\$4,657,556.91	<del>\$309,041.66</del>	\$0.00	<del>\$4,966,598.57</del>	37.18%	<del>\$8,391,580.50</del>	<del>\$248,325.94</del>

\$13,354,829.28

\$302,691.87

\$1,960,248.78

\$8,394,580.50

\$248,013.4

NBDW25514

